



CHRIS CHRISTIE
Governor

New Jersey Office of the Attorney General

Division of Consumer Affairs
State Board of Veterinary Medical Examiners
124 Halsey Street, 6th Floor, Newark, NJ 07102

BY CERTIFIED AND REGULAR MAIL

KIM GUADAGNO
Lt. Governor

May 29, 2015

Sharon Capone, D.V.M.
Packanack Animal Hospital
455 Newark Pompton Turnpike
Wayne, New Jersey 07470

RECEIVED and FILED by the
NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS
on this date of: 6-11-15 DA



JOHN J. HOFFMAN
Acting Attorney General

STEVE C. LEE
Acting Director

Mailing Address:
P.O. Box 45020
Newark, NJ 07101
(973) 504-6500

Re: I/M/O SHARON CAPONE, D.V.M.
Complaint Number: 104798
Offer of Settlement In Lieu of Disciplinary
Proceeding

Dear Dr. Capone:

This letter is to advise you that the New Jersey State Board of Veterinary Medical Examiners (hereinafter referred to as the "Board") has had an opportunity to reconsider a complaint it received concerning the professional services you rendered to "Lexi" V.D., then a two (2) year old mixed breed dog, at Packanack Animal Hospital, in January 2015.

Specifically, the information reviewed by the Board included, but is not limited to, the following documents:

1. A complaint filed by J.V.D. with the Board on or about March 2, 2015, as well as any and all attachments and exhibits;
2. A correspondence from Sharon Capone, D.V.M., dated on or about March 13, 2015, as well as any and all attachments and exhibits; and
3. Medical records of "Lexi" V.D.

Following its review of all available information, the Board has found that probable cause exists to support a finding that you violated, as well as failed to comply with, the statutes governing the practice of veterinary medicine and its accompanying regulations, in violation of N.J.S.A. 45:1-21(h), in that you failed to maintain adequate medical records contrary to N.J.A.C. 13:44-4.9(a).

The Board's review into this matter revealed that Lexi was presented to Packanack Animal Hospital ("Hospital") by J.V.D. in the evening of January 7, 2015 for an anal sac expression. This procedure had been approved by you and was performed by another veterinarian in the practice. The dog returned to the Hospital on the following morning with

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complaints of lethargy, shaking and poor appetite. Additionally, Lexi was not able to sit comfortably. Following a physical examination, a non-steroidal anti-inflammatory and pain medication were dispersed.

The dog was again presented to the Hospital on January 10th, January 12th and again on January 17th with complaints of pain. Ultimately, Lexi was referred to a veterinary emergency facility where she was diagnosed with a herniated disc at C2-3. Surgical decompression with a ventral slot was performed on February 2, 2015 and the dog seems to have recovered with no neurological deficit noted.

The Board, following its review of the submitted documents, has concluded that there is insufficient evidence to initiate any formal disciplinary action against you relative to the veterinary care rendered to Lexi. However, the Board, in its review of the matter, had the opportunity to review the patient records you submitted for review. The Board has concluded that you violated its patient record regulation by failing to create and maintain medical records for Lexi, contrary to N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a).

Specifically, the Board found that your records failed to contain important and required information relative to the veterinary services provided to Lexi as required by N.J.A.C. 13:44-4.9(a). The Board concluded that the records did not contain the following required information: 1) the name, initials or other identifying information to indicate the identity of the licensee or agent making the entry in the patient record and the date on which the entry is made; 2) all pertinent symptoms and signs observed; see January 10th, January 12 and 17th records where no physical examination results were noted; and 3) such other notes or information so as to provide a clear statement of the patient's condition and the veterinary evaluation and response. The Board has concluded that your failure to include the above requisite information in your patient records constitutes a violation of N.J.A.C. 13:44-4.9(a).

At this juncture, the Board has determined that the above violation is sufficient to warrant the initiation of formal disciplinary proceedings against you. Notwithstanding that determination, however, the Board has determined that it will first offer you an opportunity to settle this matter, and thereby avoid the initiation of disciplinary proceedings, should you consent to:

1. Cease and desist from violating the mandates of N.J.S.A. 45:1-21(h) and N.J.A.C. 13:44-4.9(a), by maintaining records for your patients that accurately reflect the treatment or services you rendered; and
2. Pay a civil penalty in the amount of \$500.00, to be paid immediately upon your signing of the acknowledgment at the bottom of this letter, for your violation of N.J.S.A. 45:1-21(h) and the record keeping regulation, N.J.A.C. 13:44-4.9.

If you are willing to settle this matter on the offered settlement terms, you may do so by signing the acknowledgment at the bottom of this letter, and returning it to the Board office. In such event, this letter will be a matter of public record.

In the event you are unwilling to settle this matter on the offered terms, it will be referred to the Attorney General's office for the initiation of appropriate disciplinary action. In such event, you will be afforded an opportunity to defend against the alleged violations. If an evidentiary hearing is deemed warranted, the Board will either conduct that hearing at a date and time to be scheduled or refer the matter to the Office of Administrative Law. You are advised, however, that in the event formal charges are filed, the Board may assess civil penalties in an amount greater than that herein offered in settlement should any charges against you be sustained. Additionally, the Board may, if the facts are found to so warrant, enter an order requiring you to reimburse certain monies and/or requiring you to pay costs incurred by the Board. Should you have any questions concerning this letter or the settlement offer herein, I suggest that you contact Deputy Attorney General Olga E. Bradford who may be reached at (973) 648-3696.

If you elect to settle this matter presently, you should sign the acknowledgment at the bottom of this letter and return it to the Board within fifteen (15) days following your receipt of this letter. In the event that the Board receives no response from you within fifteen (15) days, the Board's settlement offer will be withdrawn, and the matter will be referred to the Attorney General's Office for the initiation of the appropriate disciplinary action.

NEW JERSEY STATE BOARD OF
VETERINARY MEDICAL EXAMINERS

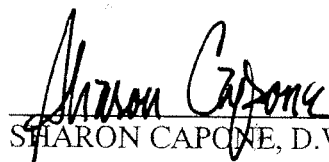
By:


JONATHAN EISENMENGER
Executive Director

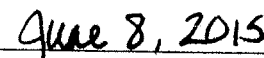
cc: Deputy Attorney General Olga E. Bradford

Sharon Capone, D.V.M.
Settlement Letter
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ACKNOWLEDGMENT: I, SHARON CAPONE, D.V.M., hereby acknowledge that I have read and reviewed the settlement proposal set forth in the above letter. I acknowledge the conduct that has been charged. I am aware that, by signing this acknowledgment, I am waiving any rights I may have to defend myself against any charges of wrongdoing at an administrative hearing. I am also aware that the action taken against me by the Board herein is a matter of public record, and that this letter is a public document. I hereby agree to pay a civil penalty in the total amount of \$500.00. I also agree to adhere to the other provisions enumerated in this settlement letter.



SHARON CAPONE, D.V.M.



DATED

JUN 11 2015